

Serial No.: 10/686,175
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REMARKS/ARGUMENTS

Subsequent to the Office Action issued on 23 March 2005, claims 1-27 are pending in the Application. By this response to the Office Action, claims 1, 2, 3, and 7 have been amended, and, claims 14 – 22 have been cancelled. Claims 1-13 and 23-27 remain in consideration.

Allowable Subject Matter

Examiner stated that claims 23-27 were allowable. Inventors express appreciation for this acknowledgment of patentable subject matter.

It was stated that claims 7 – 13 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base and any intervening claims.

Claim 7 has been amended to incorporate the subject matter of claim 1, to overcome the objection. Claims 2 and 3 have been amended to be dependent upon now allowable independent claim 7. Claims 2, 3, 4 - 6 and 8 – 13 are now ultimately dependent upon now allowable independent claim 7. Therefore, applicant respectfully asserts that newly independent claim 7 and dependent claims 2 – 13 are now allowable.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 1-6 and 14-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Abe*, et al. '637, in view of *Frank* '534.

Claim 1 has been amended to incorporate elements of claim 2 which applicant respectfully asserts are patentably distinguishable over the prior art cited thereagainst. Specifically, newly amended claim 1 sets forth a method of providing a silent mode of operation for a hybrid electric vehicle having a rechargeable energy storage system (ESS), comprising, *inter alia*, the step of: (1) transmitting a silent mode initiation request to a silent mode controller, wherein the step of transmitting a silent mode initiation request comprises manual transmitting of the silent mode initiation request

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by a vehicle operator.

Applicant respectfully argues that newly amended claim 1 is patentably distinguishable over *Abe*, et al. '637, in view of *Frank* '534 because the cited references neither teach nor describe manual transmitting of the silent mode initiation request by a vehicle operator. Therefore, claim 1 is allowable over the prior art.

Claims 2 and 3 have been amended, as above. Claims 4-6 are dependent upon claim 3. Claims 14 - 22 have been cancelled, as above, in order to put this application into condition for allowance, and not for reasons related to patentability.

Conclusion

Based upon all of the above, it is respectfully submitted that pending claims 1-13 and 23-27 are in condition for allowance and that same be allowed to proceed to issue. If the Examiner has any questions regarding the contents of the present response, Applicants' attorney may be contacted at the phone number appearing below during normal business hours.

Respectfully submitted,



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